

**To:** Beck, Nancy[Beck.Nancy@epa.gov]  
**From:** Gray, Jason  
**Sent:** Thur 7/6/2017 3:23:50 PM  
**Subject:** RE: TSCA report language

Thanks Nancy! This is helpful. I'll give you a call at noon --

**From:** Beck, Nancy [mailto:Beck.Nancy@epa.gov]  
**Sent:** Thursday, July 06, 2017 11:22 AM  
**To:** Gray, Jason <Jason.Gray@mail.house.gov>  
**Subject:** RE: TSCA report language

Hey Jason,

Generally, I have no concern with saying we will use Best available science as we codified this in our framework rules for prioritization and risk evaluation on June 22, 2017.

However, this appears to be in that grey area where 26(L)(4) does indeed say that we can use risk assessments completed before the LCSA was passed to move to section 6 rulemaking—with the caveat that they are consistent with section 6 requirements. The Best available science requirements are not in section 6, they are in section 26.

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Do you have time to chat? perhaps that would be easiest. Are you free between 12-1?

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Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSPP

**Ex. 6 - Personal Privacy**

**From:** Gray, Jason [<mailto:Jason.Gray@mail.house.gov>]  
**Sent:** Thursday, July 6, 2017 9:27 AM  
**To:** Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>  
**Subject:** TSCA report language

Hey Nancy – One of our Members has asked us to include the following language. Could you take a look and let me know what you think? Does this mirror the plan for the program? Or is it to the contrary? Is it necessary, or would it be helpful?

Thanks

Jason

**Requested Language:** “The Committee directs EPA to implement the Frank R. Lautenberg Chemical Safety for the 21st Century Act in a manner that reflects the best available science as now required under TSCA §§ 6 and 26. In December 2016 and January 2017 EPA proposed rules under TSCA § 6(a) to prohibit certain chemical uses that rely on risk assessments completed by the Agency in 2014 that may not comply with TSCA § 26(l)(4). Rather than continuing with those rulemakings, the Committee encourages EPA to consider those chemical uses as part of the risk assessment process for the ten priority compounds recently designated by EPA under TSCA § 6(b)(2)(A), which include the chemicals in question.”

**Background:** These proposed rules would ban trichloroethylene (TCE) in spot cleaning by dry cleaners and in aerosol degreasing (81 Fed. Reg. 91592 (Dec. 16, 2016)) and in vapor degreasing (82 Fed. Reg. 7432 (Jan. 19, 2017)), and would ban methylene chloride (dichloromethane or DCM) in paint stripping (82 Fed. Reg. 7464 (Jan. 19, 2017)). All three proposals are based on very deficient TSCA Work Plan Assessments completed by EPA in 2014. Serious data quality concerns have been raised about these assessments, including advice from EPA’s own peer review that the TCE assessment was not adequate to support rulemaking.

TSCA was amended in June 2016 by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (“Lautenberg Act”), which mandates use of the best available science in TSCA § 6 rulemaking. While EPA is authorized under new TSCA § 26(l)(4) to propose a § 6 rule based on a risk assessment completed before TSCA was revised, there is no requirement or deadline for it to do so. Moreover, EPA recently designated ten priority compounds under TSCA § 6(b)(2)(A) (81 Fed. Reg. 91927 (Dec. 19, 2016)). For these ten designated pollutants, TSCA establishes deadlines for risk assessments under the conditions of use to begin later this year and a schedule for rulemakings. TCE and DCM are among these priority compounds. Thus, EPA’s progress in meeting the ambitious goals of the Lautenberg Act will in no way be impeded by assessing the risks from the uses that are the subject of the proposed bans as part of the mandated upcoming assessments.

Because these are only proposed rules, subject to no statutory mandate or deadline, their adverse impact on manufacturing and small businesses is easily avoided simply by EPA not taking action to adopt them and relying instead on the upcoming assessments as the basis for decision-making on these uses.